

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

CLAUDE BAGLEY	§	
Plaintiff,	§	
	§	
VS.	§	C.A. 2:17cv00453
	§	
UNION PACIFIC RAILROAD COMPANY	§	
Defendant.	§	JURY DEMAND

UNOPPOSED MOTION TO DISMISS WITHOUT PREJUDICE

Now respectfully comes Plaintiff, CLAUDE BAGLEY and files his Unopposed Motion to Dismiss Without Prejudice pursuant to the provisions of Rule 41 FRCP and would show the following:

1. Plaintiff filed this suit on May 25, 2017 under the Federal Employers' Liability Act (FELA), 45 U.S.C. §51 *et seq.* to recover damages for personal injuries sustained by Plaintiff while employed by Defendant and while engaged in interstate commerce.

2. Defendant, Union Pacific Railroad Company filed a Motion to Dismiss for Lack of Jurisdiction on June 21, 2017. Defendant has not filed any counter-claims in this matter.

3. Defendant is unopposed to Plaintiff's Motion to Dismiss without Prejudice and therefore would not be prejudiced by this dismissal.

4. Plaintiff seeks a dismissal so that Plaintiff can refile this matter in State Court.

Plaintiff prays this court to grant Plaintiff's Unopposed Motion to Dismiss Without Prejudice to the refile of same.

Respectfully submitted,

THE YOUNGDAHL LAW FIRM, P.C.

/s/ Sara Youngdahl

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**ATTORNEY FOR PLAINTIFF
CLAUDE BAGLEY**

CERTIFICATE OF CONFERENCE

Counsel for Plaintiff conferred by email with counsel for Defendant on Monday
July 12, 2017 and counsel for Defendant is not opposed to this Motion.

/s/ Sara Youngdahl

Sara Youngdahl

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing instrument has been properly forwarded to counsel of record listed below pursuant to the Federal Rules of Civil Procedure on July 12, 2017.

/s/ Sara Youngdahl

Sara Youngdahl

cc: Douglas W. Poole
Bryan R. Lasswell
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By Electronic Filing

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